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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/917,320	07/27/2001	Terry R. Bradfield	1020.P10999	9550
57035	7590	08/16/2006	EXAMINER	
KACVINSKY LLC 4500 BROOKTREE ROAD SUITE 102 WEXFORD, PA 15090			POLLACK, MELVIN H	
			ART UNIT	PAPER NUMBER
			2145	

DATE MAILED: 08/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/917,320	BRADFIELD ET AL.	
	Examiner	Art Unit	
	Melvin H. Pollack	2145	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 June 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 July 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input checked="" type="checkbox"/> Other: <u>see attached office action</u> . |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 12 June 2006 have been fully considered but they are not persuasive. An analysis of the arguments is provided below.
2. The examiner's stance on the mobile device is that it is Schiffer's computer system (Fig. 1, #110) modified by Kobayashi to ensure mobility. (Schiffer does not disclose whether or not the system is mobile.) It is *not* the mobile phone (Fig. 1, #100), but rather a more generic mobile device, i.e. a laptop, PDA or second phone. In this way, a laptop may communicate with a mobile phone in order to gain performance enhancements.
3. Applicant states that claim 1 is amended (P. 10, lines 8-12). However, the claims as listed are labeled as previously presented. The examiner considers the claim of currently amended to be an error.
4. The applicant claims that Schiffer does not expressly disclose "determining... by the mobile device" whether the first access requirement is fulfilled. The applicant asserts, however, that "the verification of the access code is completed by the computer system and not the mobile phone (P. 10, lines 19-20)." As shown above, it is the computer system (as modified by Kobayashi), and not the mobile phone, that is the mobile device. Thus, Schiffer teaches the determination step, as shown by the applicants.
5. Applicant states that the official notice regarding claim 1 does not correspond to what independent claim 1 recites (P. 11, lines 6-8 and 11-13). The official notice regarding movement of user name and password authentication refers solely to claim 2, where the concept of a

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password system is introduced, and not to claim 1. Further, the movement of functionality to the mobile device as described by the examiner, as shown above, fits claim 2 as currently drawn.

6. For the reasons above, the rejection stands and is final.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1-9, 13-16, 19, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schiffer (6,871,063) in view of Kobayashi (6,633,759) and Huh et al. (2003/0008680).

9. For claim 1, Schiffer teaches (abstract) a computer-implemented method (col. 1, line 1 – col. 2, line 20) comprising:

- a. Coupling a device (Fig. 1, #110; the computer system) having a first resource (Fig. 1, #110) to a first network environment (Fig. 1, #121; col. 3, lines 40-55; Bluetooth);
- b. Reading a first network identifier (col. 4, lines 10-25) associated with the first network environment (col. 4, lines 25-40; ID based on subscriber identity number on SIM) by the device (Fig. 2, 210);
- c. Determining whether the first network identifier satisfies a first access requirement (Fig. 2, #215) stored locally at the device by the device (col. 4, lines 40-55; and

- d. Allowing access to the first resource if the first network identifier satisfies the first access requirement (col. 4, lines 55-60).
10. Schiffer does not expressly disclose that the device accessed is mobile. Kobayashi teaches a method (abstract) of connecting a device to a first network (col. 1, line 1 – col. 3, line 35) and authenticating for access to the device (col. 8, lines 30 – 55) over a Bluetooth connection (col. 4, line 60), in which the device (Fig. 1, #1) is a laptop PC (col. 2, lines 43-44; portable information processing device). At the time the invention was made, one of ordinary skill in the art would have added Kobayashi's method to Schiffer in order to gain access to more resources (col. 8, lines 45-65) and to access computers when they are packed away (col. 10, lines 50-60).
11. Schiffer and Kobayashi do not expressly disclose reading a first network identifier associated with a port by the mobile device. Huh teaches a method and system (abstract) of providing access to a remote computer from a wireless device (Paras. 1-20), said access being limited through various means (Para. 67), wherein the network identifier includes port information to be read and utilized (Paras. 45 and 46). At the time the invention was made, one of ordinary skill in the art would have added Huh's port identifiers to Schiffer and Kobayashi in order to allow the assignment of fewer IP addresses while still performing connectivity functions (Para. 45).
12. For claim 2, Schiffer teaches that the method further comprises:
- a. Obtaining a user name and password associated with a particular user of the first network (col. 2, lines 15-20);
 - b. Reading a second access requirement stored locally at the mobile device (col. 2, lines 25-35); and

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- c. Determining if the user name and password satisfies the second access requirement before allowing access to the first resource (Fig. 2, #215).

13. Further regarding claim 2, Schiffer teaches that the user name and password authentication occurs within the requesting device rather than the resource device, but is nevertheless a vital step in the authentication process for accessing resources of the device. Examiner takes Official Notice (see MPEP § 2144.03) that “user name and password authentication on a computer system” in a computer networking environment was well known in the art at the time the invention was made. Examiner further notes that it has been determined by the courts that the rearrangement of parts is considered to be obvious, as shown in MPEP 2144.04 and *In re Kuhle*, 526 F.2d 553, 188 USPQ 7 (CCPA 1975). At the time the invention was made, one of ordinary skill in the art would have moved user name and password authentication from the cellular phone to the computer system because one of ordinary skill in the art would have recognized the larger memory and processing power of the computer system, and further to ensure that the computer system cannot be accessed by a thief who simply steals a cellular phone (col. 1, lines 35-45).

14. The Applicant is entitled to traverse any/all official notice taken in this action according to MPEP § 2144.03. However, MPEP § 2144.03 further states "See also *In re Boon*, 439 F.2d 724, 169 USPQ 231 (CCPA 1971) (a challenge to the taking of judicial notice must contain adequate information or argument to create on its face a reasonable doubt regarding the circumstances justifying the judicial notice)." Specifically, *In re Boon*, 169 USPQ 231, 234 states "as we held in *Ahlert*, an applicant must be given the opportunity to challenge either the correctness of the fact asserted or the notoriety or reputation of the reference cited in support of the

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assertion. We did not mean to imply by this statement that a bald challenge, with nothing more, would be all that was needed". Further note that 37 CFR § 1.671(c)(3) states "Judicial notice means official notice". Thus, a traversal by the Applicant that is merely "a bald challenge, with nothing more" will be given very little weight.

15. Claims 3 and 4 add that a first resource may be accessed without a user name and password, but require the user name and password for a second resource. Schiffer teaches that, without the user name and password, access to the device remains limited (col. 4, lines 55-60). The examiner interprets limited to mean that some access to the computer system, but not all, occurs without the user name and password.

16. For claims 5 and 13, Schiffer teaches a computer-implemented method (abstract) of establishing and using sharing criteria to control access to a resource comprising:

- a. Reading a first network identifier (Fig. 2, #210);
- b. Receiving an indication that a first resource on a device is to be associated with the first network identifier (col. 4, lines 48-52); and
- c. Storing the first network identifier in a first association with a resource identifier that identifies the first resource so that access to the resource is contingent upon receipt of the first network identifier (col. 4, lines 45-48).

17. Schiffer does not expressly disclose that the device accessed is mobile. Kobayashi teaches a method (abstract) of connecting a device to a first network (col. 1, line 1 – col. 3, line 35) and authenticating for access to the device (col. 8, lines 30 – 55) over a Bluetooth connection (col. 4, line 60), in which the device (Fig. 1, #1) is a laptop PC (col. 2, lines 43-44; portable information processing device). At the time the invention was made, one of ordinary skill in the

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art would have added Kobayashi's method to Schiffer in order to gain access to more resources (col. 8, lines 45-65) and to access computers when they are packed away (col. 10, lines 50-60).

18. Schiffer and Kobayashi do not expressly disclose reading a first network identifier associated with a port by the mobile device. Huh teaches a method and system (abstract) of providing access to a remote computer from a wireless device (Paras. 1-20), said access being limited through various means (Para. 67), wherein the network identifier includes port information to be read and utilized (Paras. 45 and 46). At the time the invention was made, one of ordinary skill in the art would have added Huh's port identifiers to Schiffer and Kobayashi in order to allow the assignment of fewer IP addresses while still performing connectivity functions (Para. 45).

19. For claims 6 and 14, Schiffer teaches that the storing of the first network identifier in association with the resource identifier is accomplished by copying a portion of an association between the first network identifier and a second resource (col. 4, lines 50-52; stored value may include... some portion thereof).

20. For claims 7 and 15, Schiffer teaches that the method further comprises:

- a. Receiving a third network identifier associated with an entity attempting to access the resource (col. 4, lines 10-35);
- b. Comparing the received third network identifier with the stored first network identifier (col. 4, lines 35-55); and
- c. Allowing access to the first resource if the received third network identifier matches the stored network identifier (col. 4, lines 55-60).

21. For claim 8, Schiffer teaches that the method further comprises:

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- a. Receiving a network identifier associated with an entity attempting to access the resource (col. 4, lines 10-35);
 - b. Comparing the received network identifier with the stored network identifier (col. 4, lines 35-55); and
 - c. Denying access to the first resource if the received network identifier does not match the stored network identifier (col. 4, lines 55-60).
22. For claims 9 and 16, Schiffer teaches that the method further comprises:
 - a. Receiving a user name and password associated with a particular user (col. 3, lines 25-30);
 - b. Receiving an indication that the first resource is to be associated also with the user name and password (col. 2, lines 15-20); and
 - c. Storing the user name and password in a second association with the resource identifier (col. 3, lines 29-31) so that the access to the first resource is contingent also upon receipt of the user name and password (col. 3, lines 30-37).
23. Schiffer teaches that the user name and password authentication occurs within the requesting device rather than the resource device, but is nevertheless a vital step in the authentication process for accessing resources of the device. Examiner takes Official Notice (see MPEP § 2144.03) that “user name and password authentication on a computer system” in a computer networking environment was well known in the art at the time the invention was made. Examiner further notes that it has been determined by the courts that the rearrangement of parts is considered to be obvious, as shown in MPEP 2144.04 and *In re Kuhle*, 526 F.2d 553, 188 USPQ 7 (CCPA 1975). At the time the invention was made, one of ordinary skill in the art

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would have moved user name and password authentication from the cellular phone to the computer system because one of ordinary skill in the art would have recognized the larger memory and processing power of the computer system, and further to ensure that the computer system cannot be accessed by a thief who simply steals a cellular phone (col. 1, lines 35-45).

24. The Applicant is entitled to traverse any/all official notice taken in this action according to MPEP § 2144.03. However, MPEP § 2144.03 further states "See also *In re Boon*, 439 F.2d 724, 169 USPQ 231 (CCPA 1971) (a challenge to the taking of judicial notice must contain adequate information or argument to create on its face a reasonable doubt regarding the circumstances justifying the judicial notice)." Specifically, *In re Boon*, 169 USPQ 231, 234 states "as we held in *Ahlert*, an applicant must be given the opportunity to challenge either the correctness of the fact asserted or the notoriety or repute of the reference cited in support of the assertion. We did not mean to imply by this statement that a bald challenge, with nothing more, would be all that was needed". Further note that 37 CFR § 1.671(c)(3) states "Judicial notice means official notice". Thus, a traversal by the Applicant that is merely "a bald challenge, with nothing more" will be given very little weight.

25. For claim 19, Kobayashi teaches that the mobile device comprising one of the following: a notebook computer, a mobile telephone, and a personal digital assistant (Fig. 9, #1).

26. For claim 20, Schiffer teaches that the resource comprises one of the following: a folder, a directory, a file, an application, a printer, a disk drive, a ROM drive, memory, and a scanner (Fig. 1, #113).

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27. Claims 10-12, 17, 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schiffer and Kobayashi as applied to claims 5, 13 above, and further in view of Cook (6,697,806).

28. For claims 10 and 17, Schiffer and Kobayashi do not expressly disclose removing the first association between the first network identifier and the resource identifier so that access to the first resource is allowed without receipt of the first network identifier. Cook teaches a method (abstract) of developing authorization and access methods for communications systems (col. 1, line 1 – col. 6, line 15) in which the limitation is taught (col. 23, line 20 – col. 24, line 5). At the time the invention was made, one of ordinary skill in the art would have added Cook to Schiffer in order to develop a broader login system (col. 4, lines 20-40).

29. For claims 11 and 18, Schiffer and Kobayashi do not expressly disclose suspending temporarily the first association between the first network identifier and the resource identifier so that access to the first resource is allowed without receipt of the first network identifier. Cook teaches this limitation (col. 35, lines 50-60; predictive caches allow users access to resources without logging in). At the time the invention was made, one of ordinary skill in the art would have added Cook to Schiffer in order to develop a broader login system (col. 4, lines 20-40).

30. For claim 12, Schiffer and Kobayashi do not expressly disclose use of a second network identifier. Cook teaches that the method further comprises:

- a. Displaying a second network identifier (Fig. 5, #554);
- b. Receiving an indication that the first resource is to be associated with the second network identifier (col. 4, lines 20-40); and

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c. Storing the second network identifier in a second association with the resource identifier so that access to the first resource is contingent upon receipt of either the first network identifier or the second network identifier (col. 4, lines 20-40).

31. At the time the invention was made, one of ordinary skill in the art would have added Cook to Schiffer in order to develop a broader login system (col. 4, lines 20-40).

Conclusion

32. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melvin H. Pollack whose telephone number is (571) 272-3887. The examiner can normally be reached on 8:00-4:30 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Cardone can be reached on (571) 272-3933. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MHP
09 August 2006



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